



City Council Agenda

Council President
Henry Perea

Councilmembers

Tom Boyajian
Brian Calhoun
Brad Castillo

Jerry Duncan
Sal Quintero
Daniel Ronquillo, Acting President

City Manager
Daniel G. Hobbs

City Clerk
Rebecca E. Klisch , CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 498-1321

The City Council welcomes you to this meeting.

TUESDAY, NOVEMBER 6, 2001

IF YOU WOULD LIKE TO SPEAK, FILL OUT A SPEAKER REQUEST FORM AVAILABLE FROM THE CITY CLERK'S OFFICE AND IN THE COUNCIL CHAMBERS. THE AGENDA IS AVAILABLE ON (www.ci.fresno.ca.us). THE COUNCIL MEETING CAN ALSO BE HEARD LIVE AT THE SAME WEB SITE ADDRESS.

8:30 A.M. **REGULAR MEETING OF THE REDEVELOPMENT AGENCY**

ROLL CALL

Invocation by Ara Guekguezian of the Pilgrim Armenian Congretional Church
Pledge of Allegiance to the Flag

Presentation of Resolutions to Student Council Officers of Fremont Elementary School - Councilmember Boyajian
Presentation of an Appreciation Award by Fire Chief Mark Revere of the Mountain View Fire Dept. to the Fresno Fire Dept.

Resolution of Commendation to Colton and Logan Mcquay, Cody and Tarah Soria, Joselyn Delaney, and Kyle Baker - All Councilmembers

Proclamation of "NORTH FRESNO LIONS CLUB DAY" - All Councilmembers

8:30 A.M.

REGULAR MEETING OF THE REDEVELOPMENT AGENCY CONTINUED

Approve Agency minutes of October 30 , 2001

Action Taken:

- A. **RESOLUTION** - Establishing industrial development design guidelines for application in the Roeding Business Park Redevelopment Project Area for all property planned or zoned for industrial use (*Agency action*)

Action Taken:

ADJOURN AGENCY

COUNCIL ACTION ON UNSCHEDULED ITEMS, IF ANY, SHALL BE LIMITED TO REFERRING THE ITEM TO STAFF FOR A REPORT AND POSSIBLE SCHEDULING ON A FUTURE COUNCIL AGENDA. FOR EACH MATTER CONSIDERED BY THE COUNCIL, THERE WILL FIRST BE A STAFF PRESENTATION, FOLLOWED BY A PRESENTATION FROM THE PROJECT APPLICANT. TESTIMONY FROM THOSE IN ATTENDANCE WILL THEN BE TAKEN. ALL TESTIMONY GIVEN WILL BE LIMITED TO THREE MINUTES PER PERSON.

THE THREE LIGHTS ON THE PODIUM NEXT TO THE MICROPHONE WILL INDICATE THE AMOUNT OF TIME REMAINING FOR THE SPEAKER. THE GREEN LIGHT WILL BE TURNED ON WHEN THE SPEAKER BEGINS. THE YELLOW LIGHT WILL COME ON WITH ONE MINUTE REMAINING AND ONE TONE WILL SOUND. THE SPEAKER SHOULD BE COMPLETING THE TESTIMONY BY THE TIME THE RED LIGHT COMES ON AND TWO TONES SOUND, INDICATING THAT TIME HAS EXPIRED.

Approve Council minutes of October 30, 2001

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS

- 9:50 A.M.** Appearance by John Davis, Business Manager for Stationery Engineers Local 39, requesting the City implement and fund California State Disability Insurance Benefits to bolster City employees' sick leave benefits (*Request to continue by applicant*)

Action Taken:

- 9:55 A.M.** Consider approval of \$5,500 from non-departmental general fund for the Regional Boy Scouts facility project development fees - Councilmember Calhoun

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

10:00 A.M. HEARING to consider Plan Amendment No. A-01-12, Rezoning Application No. R-01-15 and environmental findings, filed by Krazan & Associates, for 18 acres located on the southeast corner of N. Milburn and W. Herndon Avenues (*property located in District 2*)

Action Taken:

- a. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. A-01-12, R-01-15

Action Taken:

- b. **RESOLUTION** - Amending the Bullard Community Plan from the medium-high density residential to the community commercial and medium density residential land use designations (*Applicant's request*)

Action Taken:

- c. **RESOLUTION** - Amending the Bullard Community Plan from the medium-high density residential to the medium density residential land use designation and denying amendment to the community commercial land use designation (*Staff/Planning Commission recommendation*)

Action Taken:

- d. **BILL** - Amending the Official Zone Map to rezone property from R-2/BA-15/EA/UGM (low-density multiple-family residential/boulevard area, 15-foot setback/express area overlay district/urban growth management) to C-2/BA-15/EA/UGM (community commercial/boulevard area, 15-foot setback/express area overlay district/urban growth management) zone district and R-1/BA-15/UGM (single-family residential/boulevard area, 15-foot setback/urban growth management) zone district (*Applicant's request*)

Action Taken:

- e. **BILL** - Amending the Official Zone Map to rezone property from R-2/BA-15/EA/UGM (low-density multiple-family residential/boulevard area, 15-foot setback/express area overlay district/urban growth management) to the R-1/BA-15/UGM (single-family residential/boulevard area, 15-foot setback/urban growth management) zone district (*Staff/Planning Commission recommendation*)

Action Taken:

10:15 A.M. Council consideration of the Fresno City Planning Commission's action on Variance Application No. V-01-011 (Frank Vitucci, applicant, requests waiver of a side yard setback for his single-family residence located at 6436 N. Marks Avenue) - Councilmember Calhoun

Action Taken:

10:45 A.M. HEARING regarding temporary fenced closure of N. Marty Avenue, north of the private drive into the planned unit development, north of W. Barstow Avenue - Public Works Dept.

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED
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- 11:00 AM.** **CONTINUED HEARING** regarding City of Fresno Community Facilities District No. 2, Annexation No. 30, (Tract 5030)
Action Taken:
- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax
Action Taken:
 - b. **RESOLUTION** - Calling a special mailed-ballot election
Action Taken:
 - c. **RESOLUTION** - Declaring election results
Action Taken:
 - d. * **BILL** - Levying a special tax for the property tax year 2001-2003 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 30
Action Taken:

- 11:15 AM.** Accept presentation by the Historic Preservation Commission of an Annual Report: "The State of Historic Preservation - 2000-2001"
Action Taken:

- 11:30 AM** a. Implementation report and presentation on Macias Group Recommendations
Action Taken:
- b. Request for direction regarding performance auditing services for remaining City departments
Action Taken:

2:00 P.M.#1

CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL -FRIEND-OF-THE-COURT-PARTICIPATION** - Govt. Code Section 54954.2, Subdivision (a)
 - 1. **Case Name:** Alford v. Superior Court - Amicus Brief
Action Taken:
- B. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** - Govt. Code Section 54956.9, subdivision (a)
 - 1. **Case Name:** City of Fresno v. County of Fresno, Fresno Local Agency Formation Commission (LAFCO), City of Clovis
 - 2. **Case Name:** Louis Lehre, a minor, by and through his guardian Ad Litem, Cheri Lehre v. City of Fresno, et al.
 - 3. **Case Name:** AKAL Financial LLP DBA Yellow Cab Company v. The City of Fresno
Action Taken:
- C. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)(1)
Significant Exposure of Litigation:
 - 1. **Case Name:** Claim of Estate of Campos
 - 2. **Case Name:** Claim of Estate of Celaya
Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

2:00 P.M.#1 CLOSED SESSION CONTINUED

D. THREAT TO PUBLIC SERVICES OR FACILITIES - Government Code Sections 54954.5 and 54957

Consultation with City of Fresno Police Department, Chief of Police, Jerry Dyer

Action Taken:

2:00 P.M.#2 CONTESTED CONSENT CALENDAR

2:45 P.M. Appearance by Teresa Negrete to discuss revocation of parking permit from her place of business, "Teresa's Beauty Salon"

Action Taken:

2:50 P.M. Appearance by James Oakes, A.I.A. Architect, to request Council initiate proceedings for an indoor skateboard facility located at the southwest corner of Bullard and First Avenues

Action Taken:

3:00 P.M. **WORKSHOP** and policy direction related to the processing of Conditional Use Permits (CUP's) governing the sale of alcohol - Development Dept.

Action Taken:

3:30 P.M. * BILL - (For introduction) - Adding Section 8-134 to the Fresno Municipal Code relating to juvenile accountability (Police Dept.)

Action Taken:

GENERAL CONSENT CALENDAR

(ALL CONSENT CALENDAR ITEMS ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS REQUESTED, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT CALENDAR AND CONSIDERED AT 2:00 P.M.)

1A-1. DEPT. OF ADMINISTRATIVE SERVICES

a. Award a contract for graphics and signage for Fresno AAA multi-purpose sports stadium - Public Works Dept.

Action Taken:

b. Award a contract for installation of 12" water main in N. Carnegie Avenue south of Weber Avenue - Dept. of Public Utilities

Action Taken:

c. Award a contract to furnish and install wellsite improvements at Pump Station No. 307 - Dept. of Public Utilities

Action Taken:

GENERAL CONSENT CALENDAR CONTINUED

1A-1. DEPT. OF ADMINISTRATIVE SERVICES CONTINUED

- d. Award a contract for installation of access structures on the wastewater collection system, Barstow, Fruit and California Avenues - Dept. of Public Utilities

Action Taken:

1A-2. CITY ATTORNEY

1A-3. CITY CLERK'S OFFICE

1A-4. CITY COUNCIL/MAYOR'S OFFICE

1A-5. CITY MANAGER

- a. **RESOLUTION** - Authorizing the 17th expansion of the Fresno Enterprise Zone, adding 17 acres for Beef Packing, Inc., in the proximity of Fig and North Avenues to the Fresno Enterprise Zone

Action Taken:

1A-6. CONVENTION CENTER

1A-7. DEVELOPMENT DEPARTMENT

- a. **RESOLUTION** - Approving the Final Map of Tract No. 4979 and accepting dedicated public uses therein; a 106-lot single-family residential subdivision on 21.7 acres of property located on the east side of N. Chestnut Avenue and north of E. Teague Avenue (*Property located in District 6*)

Action Taken:

1A-8. FIRE DEPARTMENT

- a. Approving the Fire Department to receive reimbursements from the State of California for assistance in wild-land firefighting activities

Action Taken:

1A-9. DEPARTMENT OF HOUSING AND NEIGHBORHOOD REVITALIZATION

1A-10 PARKS, RECREATION AND COMMUNITY SERVICES

1A-11 POLICE DEPARTMENT

- a. Approve conversion of a temporary part-time clerical position for the Contract Policing Services Program to a permanent part-time position

Action Taken:

1. * **RESOLUTION** - 4th amendment to PAR No. 2001-201 adding one (1) permanent part-time position to the Contract Policing Services Program of the Fresno Police Dept.

Action Taken:

GENERAL CONSENT CALENDAR CONTINUED

1A-11. POLICE DEPARTMENT CONTINUED

- b. * **RESOLUTION** - 45th amendment to AAR No. 2001-200 reducing appropriations by \$1,305,600 to balance the Local Law Enforcement Grant Fund and other Federal Grant Fund receipts (*Requires 5 affirmative votes*)
Action Taken:
- c. Approve proposed spending plan for the 2001 State of California Supplemental Law Enforcement Services Fund
 - 1. * **RESOLUTION** - 41st amendment to AAR No. 2001-200 reducing the Supplemental Law Enforcement Services Funds (SLESF) appropriations by \$276,300 to match actual revenue (*Requires 5 affirmative votes*)
Action Taken:
- d. * **RESOLUTION** - 46th amendment to AAR No. 2001-200 appropriating \$139,300 for State of California Office of Traffic Safety Grants (*Requires 5 affirmative votes*)
Action Taken:
- e. **RESOLUTION** - Approving and authorizing the Chief of Police to submit a grant application and any other relevant documentation to the Office of Criminal Justice Planning to receive \$196,816 to extend the Positive Alternative Programs (PAP) component of the Delinquency Prevention Program (DPP) grant
Action Taken:
 - 1. * **RESOLUTION** - 47th amendment to AAR No. 2001-200 appropriating \$241,800 for the PAL Grant (*Requires 5 affirmative votes*)
Action Taken:

1A-12 PUBLIC UTILITIES DEPARTMENT

- a. **RESOLUTION** - Approving acceptance of a low-interest loan of \$276,915 and a grant of \$70,250 from the California Energy Commission for an Energy Efficiency Improvement Project and authorizing the Interim Director of Public Utilities to execute all necessary documents
Action Taken:
 - 1. * **RESOLUTION** - 39th amendment to AAR No. 2001-200 appropriating \$347,200 in low-interest loan and grant funds for an Energy Efficiency Improvement Project (*Requires 5 affirmative votes*)
Action Taken:
- b. Authorize the Director of Public Utilities to execute an agreement with Pacific Gas and Electric to perform tariff scheduled related work to extend the natural gas mainline to serve new gas loads for the Gas Turbine Project at the Fresno/Clovis Regional Reclamation Facilities
Action Taken:

GENERAL CONSENT CALENDAR CONTINUED

1A-13 PUBLIC WORKS DEPARTMENT

- a. **RESOLUTION** - Of intention to annex Final Tract No. 4983 to the City of Fresno Community Facility District No. 2 Annexation No. 31, and setting the public hearing for December 11, 2001 at 9:55 a.m.
Action Taken:
- b. Approval of lease of space for telecommunication facilities at Senior Center located at 2025 E. Dakota Avenue
Action Taken:
- c. Approve an amendment to agreement with Provost & Pritchard Engineering Group, Inc., to provide additional professional engineering services for the design of traffic signals at Brawley Avenue and the following intersecting streets: Palo Alto Avenue, Warner Avenue (future) and Herndon Avenue
Action Taken:
- d. **RESOLUTION** - Accepting fee title to the property comprising Capitol Street adjacent to the New Federal Courthouse and dedicating that property for public street purposes
Action Taken:
- e. **RESOLUTION** - Of intention to annex Final Tract No. 4911 and Tentative Tract No. 4723 to the City of Fresno Community Facilities District No. 2, Annexation No. 32, and setting the public hearing for December 11, 2001 at 10:00 a.m.
Action Taken:
- f. * **RESOLUTION** - 44th amendment to AAR No. 2001-200 to fund the professional services agreement with OMNI-MEANS, Ltd., for the preparation of a nexus fee study to investigate methods to fund street improvements to Willow and Copper Avenues (*Requires 5 affirmative votes*)
Action Taken:

1A-14 RETIREMENT OFFICE

1A-15 TRANSPORTATION DEPARTMENT

- a. Approve authorization to apply for Local Transportation Fund (LTF) and State Transit Assistance (STA) claim for Fiscal Year 2002 - Fresno Area Express
Action Taken:
- b. Approve a Professional Services Agreement with Shutt Moen Associates, for design of the Fresno-Chandler Downtown Airport airfield improvements funded by Federal Aviation Administration (FAA) AIP Grant Nos. 3-06-0088-04, 05, AIP FF02 FCH, and State of California Transportation Commission California Aid to Airport Program (CAAP) Grant, CAAP FRE-2-99-1 - Airports Dept.
Action Taken:

1B. CONSENT CALENDAR - BILL FOR INTRODUCTION - PINK TABS

1. * **BILL - (*For introduction*)** - Amending Section 9-77802 of the Fresno Municipal Code relating to the sale, use, and discharge of safe and sane fireworks for the July 4th Independence Day celebration and repealing Table 7802.3A (Fire Dept.)

Action Taken:

2. * **BILL - (*For introduction*)** - Adding Section 3-112 to the Fresno Municipal Code relating to applicability of California Public Contract Code

Action Taken:

2. PLANNING AND ZONING ADMINISTRATION

3. GENERAL ADMINISTRATION

- A. * **BILL NO. B-86 - (*Intro. 10/30/2001*)** - Repeal, adding and amending sections of the Fresno Municipal Code relating to automobile sales (Development Dept.)

Action Taken:

4. CITY ATTORNEY

5. CITY COUNCIL

- A. Request a public hearing for November 27, 2001, to consider a resolution of the Fresno City Council relating to State of California assumption of responsibilities for West Fresno School District - Councilmember Calhoun

Action Taken:

- B. **CLARIFYING RESOLUTION** - Authorize payment of salary differential of benefits to City employees activated to military duty as a result of Operation Infinite Justice - Council President Perea

Action Taken:

- C. Request City Manager to direct staff to develop a Master Downtown Sign Plan and return to Council for approval - Acting President Ronquillo

Action Taken:

6. CITY/COUNTY INTERGOVERNMENTAL RELATIONS

7. **UNSCHEDULED ORAL COMMUNICATIONS** - You may address the City Council at the conclusion of the Council meeting regarding items that are not listed on the agenda. The policy is to limit your presentation to three (3) minutes pursuant to Ordinance No. 96-67. Please be present at the conclusion of the meeting if you wish to be heard. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date of appearance.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Nov. 13		NO MEETING - VETERANS WEEK
Nov. 20		NO MEETING - THANKSGIVING WEEK
Nov. 27 -	10:00 A.M.	HEARING re: Rezone Appl. No. R-00-011, filed by Richard Ginder
Nov. 27 -	10:15 A.M.	HEARING re: Rezone Appl. No. R-01-041, filed by Horace Bruno
Nov. 27 -	10:30 A.M.	HEARING re: Rezone Appl. No. R-01-043, filed by Derrel's Mini Storage
Nov. 27 -	10:45 A.M.	HEARING re: Rezone Appl. No. P. A. No. A-01-24, R-01-38, C-01-149, filed by Jim Logan, rep. Derrel's Mini Storage
Nov. 27 -	11:00 A.M.	HEARING re: Rezone Appl. No. P.A. No. 01-20, R-01-31, filed by Country Club Developers
Nov. 27 -	11:15 A.M.	HEARING re: Rezone Appl. No. re: C.U.P. No. 01-145, filed by Wyndham Hotel and City parking structure
Dec. 11 -	9:55 A.M.	HEARING re: CFD No. 2, Annexation No. 31, Tract No. 4983
Dec. 11 -	10:00 A.M.	HEARING re: CFD No. 2, Annexation No. 32, Tract No. 4911 and 4723
Dec. 18 -	10:00 A.M.	HEARING re: for the vacation of the Tulare-Iowa alley between Freeway 41 and Orchard. - R.I. 1025-D
Dec. 25 -		NO MEETING - CHRISTMAS WEEK
Jan. 1 -		NO MEETING - NEW YEAR'S WEEK